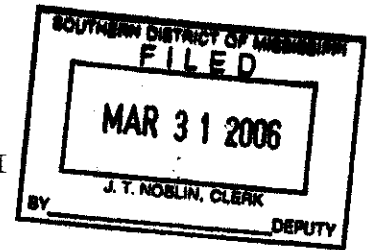


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION



UNITED STATES OF AMERICA

V.

CRIMINAL NO. 1:05cr56LG-JMR

RANDOLPH HOBSON GUTHRIE III

**AGREED**  
**PRELIMINARY ORDER OF FORFEITURE**

PURSUANT to a separate Memorandum of Understanding between **RANDOLPH HOBSON GUTHRIE III**, who by signing this document acknowledge that the findings made herein are correct and that he is in agreement therewith and with the adjudications made hereby, and the **UNITED STATES OF AMERICA** (the Government), the Court finds as follows:

1. The defendant is fully aware of the consequences of having agreed to forfeit to the Government his interests in and to the hereinafter described property, having been apprised of such by his attorney and by this Court; and he has freely and voluntarily, with knowledge of such consequences, entered into said Memorandum of Understanding with the Government to forfeit such property.

2. Based upon a factual basis presented by the Government and to which the defendant agrees, the hereinafter described monetary amount constitutes property that was received as proceeds involved in the violation charged in Count 1 of the Indictment and was monetary proceeds traceable to such violation. Further, the crime charged in Count 1 is Conspiracy in violation

of Title 18, United States Code, Section 371. Such property is, therefore, subject to forfeiture pursuant to Title 18, United States Code, Section 982.

3. The defendant has been apprised of the fact that Title 18, United States Code, Section 982(a)(2) requires the Court to order the forfeiture of the hereinafter monetary judgment at and as a part of the sentencing proceeding. They do hereby waive such requirement and the requirement that the forfeiture be made a part of the sentence as ordered by the Court in the document entitled, "Judgment in a Criminal Case"; and they do further authorize the Court to enter this order immediately, agreeing that the forfeiture ordered hereunder will be a part of the sentence of the Court whether ordered at that proceeding or not and whether or not attached thereto as a part of the said Judgment in a Criminal Case.

IT IS, THEREFORE, ORDERED AND ADJUDGED AS FOLLOWS:

a. That the government is granted a money judgment of forfeiture from the defendant in the amount of \$823,833.00 in U.S. Currency which represents proceeds the defendant received from the violation set forth in Count 1 of the Indictment of this matter as provided for in Fed. R. Crim. P. 32.2.

b. That any ancillary hearing is hereby dispensed with as this forfeiture provides for a money judgment.


Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Agreed Preliminary Order of Forfeiture shall become final as to the

defendant at the time of sentencing [or before sentencing if the defendant consents] and shall be made part of the sentence and included in the judgment.


The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).


The Clerk of the Court shall forward four certified copies of this order to the U.S. Attorney's Office, 1575 20<sup>th</sup> Avenue, Gulfport, MS 39501.

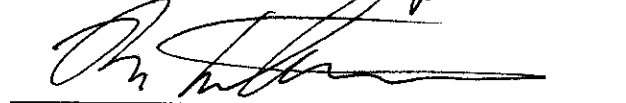
SO, ORDERED AND ADJUDGED this 24<sup>TH</sup> day of March 2006.

  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
JAY T. GOLDEN  
Assistant United States Attorney

  
ROBERT E. HAUBERG, JR.  
Attorney for Defendant

  
RANDOLPH HOBSON GUTHRIE III,  
Defendant

RECEIVED  
MAR 31 2006  
U.S. DISTRICT COURT  
GULFPORT, MISSISSIPPI